

Message Text

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ORIGIN OES-07

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-07 IO-13
L-03 NSAE-00 NSC-05 EB-08 NRC-05 SOE-02 DODE-00
DOE-11 SS-15 SP-02 PM-05 AID-05 JUSE-00 NEA-10
IGA-02 /125 R

DRAFTED BY OES/NET/NEP:W.MOFFITT;BJE
APPROVED BY OES/NET:L.NOSENZO
OES/NET/NEP:R.DEMING (DRAFT)
EUR/EE:S.FROMOWITZ (DRAFT)
L/N:R.SLOAN (DRAFT)
ACDA:D.RUST (INFO)

-----106200 312153Z /41

O R 312043Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY BELGRADE IMMEDIATE
INFO AMEMBASSY VIENNA

C O N F I D E N T I A L STATE 025574

USIAEA

E.O. 11652: GDS

TAGS: PARM, ENRG, YO

SUBJECT: NUCLEAR FUEL LICENSE FOR KRSKO

REF: BELGRADE 653

1. PER REQUEST IN REFTTEL, TRANSMITTED HEREIN
ARE APPROPRIATE CITATIONS OF DOCUMENTATION SUPPORT-
ING U.S. DETERMINATION THAT INDIA CURRENTLY
MEETS IMMEDIATE EXPORT CRITERIA CONTAINED IN PENDING LEGIS-
LATION AND THAT CONDITIONS FOR SUPPLY OF LOW ENRICHED URANIUM
FUEL FOR TARAPUR REACTORS UNDER OUR EXISTING BILATERAL
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AGREEMENT FOR COOPERATION HAD BEEN MET. SUCH A DETERMINA-
TION WAS MAIN BASIS FOR EXECUTIVE BRANCH RECOMMENDATION
DATED JANUARY 25, 1978 FOR FAVORABLE NRC ACTION ON PENDING
FUEL SHIPMENT.

A. NO PNE ASSURANCE. ON SEPTEMBER 17, 1974, THE GOI SENT A
LETTER TO AEC CHAIRMAN DIXIE LEE RAY IN WHICH IT REASSURED

U.S. THAT "... THE SPECIAL NUCLEAR MATERIAL THAT HAS BEEN OR IS HEREAFTER MADE AVAILABLE FOR, OR USED OR PRODUCED IN THE TARAPUR ATOMIC POWER STATION LOCATED AT TARAPUR WILL BE DEVOTED EXCLUSIVELY TO THE NEEDS OF THAT STATION UNLESS OUR TWO GOVERNMENTS HEREAFTER SPECIFICALLY AGREE THAT SUCH MATERIAL BE USED FOR OTHER PURPOSES." IN ADDITION, DURING

AMBASSADOR GOHEEN'S FIRST MEETING WITH PRIME MINISTER DESAI ON MAY 27, 1977, THE U.S. AGAIN RECEIVED ASSURANCES THAT NONE OF THE MATERIAL SUPPLIED BY THE U.S. FOR TARAPUR WILL BE USED FOR ANY PURPOSE EXCEPT THE OPERATION OF THE TARAPUR REACTORS WITHOUT PRIOR APPROVAL OF THE U.S. GOVERNMENT.

B. IAEA SAFEGUARDS ON U.S.-SUPPLIED EQUIPMENT AND MATERIAL. A TRILATERAL AGREEMENT BETWEEN THE IAEA, INDIA, AND THE U.S ENTERED INTO FORCE ON JANUARY 27, 1971 (INFCIRC/154) WHICH PROVIDES FOR IAEA SAFEGUARDS ON ALL MATERIALS, EQUIPMENT, AND DEVICES SUPPLIED UNDER THE U.S.-GOI BILATERAL AGREEMENT FOR COOPERATION.

C. MAINTENANCE OF ADEQUATE PHYSICAL SECURITY ON U.S.-SUPPLIED EQUIPMENT AND MATERIAL. IN NOVEMBER 1975 AN ERDA PHYSICAL SECURITY TEAM VISITED INDIA AND REVIEWED THE GOI PROGRAM FOR PHYSICAL SECURITY OF MATERIAL AT FIXED FACILITIES (INCLUDING TARAPUR) AND IN TRANSIT. ON THE BASIS OF CONFIDENTIAL

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ON-SITE VISITS AND DISCUSSIONS WITH INDIAN OFFICIALS THE ERDA TEAM DETERMINED THAT ADEQUATE PHYSICAL SECURITY WAS BEING MAINTAINED ON ALL U.S.-SUPPLIED EQUIPMENT AND MATERIAL. IAEA GUIDELINES REGARDING THE PHYSICAL PROTECTION OF NUCLEAR EQUIPMENT AND MATERIAL CONTAINED IN IAEA INFCIRC/225/REV. 1 WERE USED IN MAKING THIS DETERMINATION.

D. U.S. RIGHT OF CONSENT OVER RETRANSFER OF U.S. SUPPLIED EQUIPMENT AND MATERIAL. ARTICLE VII, SECTION A.2. OF THE U.S.-GOI AGREEMENT FOR COOPERATION PROVIDES THAT, "NO SUCH MATERIAL, EQUIPMENT OR DEVICE WILL BE TRANSFERRED TO UNAUTHORIZED PERSONS OR BEYOND THE JURISDICTION OF THE GOVERNMENT OF INDIA EXCEPT AS MAY BE AGREED TO BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF INDIA, AND THEN ONLY IF IN THE OPINION OF THE UNITED STATES COMMISSION SUCH TRANSFER FALLS WITHIN THE SCOPE OF AN AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE OTHER NATION OR GROUP OF NATIONS OR INTERNATIONAL ORGANIZATION."

E. U.S. RIGHT OF CONSENT OVER ANY REPROCESSING OF U.S. SUPPLIED FUEL. ARTICLE II, SECTION E OF THE U.S.-GOI

AGREEMENT FOR COOPERATION PROVIDES THAT, "WHEN ANY SPECIAL NUCLEAR MATERIAL UTILIZED IN THE TARAPUR ATOMIC POWER STATION REQUIRES REPROCESSING, ...SUCH REPROCESSING MAY BE PERFORMED IN INDIAN FACILITIES UPON A JOINT DETERMINATION OF THE PARTIES THAT THE PROVISIONS OF ARTICLE VI (SAFE-GUARDS) OF THIS AGREEMENT MAY BE EFFECTIVELY APPLIED, OR IN WHICH OTHER FACILITIES AS MAY BE MUTUALLY AGREED."

2. IN ANTICIPATION OF FURTHER EMBASSY AND/OR GOY QUESTIONS ON U.S.-GOI AGREEMENT, COPY WAS POUCHED ON JANUARY 19. COPIES OF OTHER TYPICAL AGREEMENTS WITH SWITZERLAND, SPAIN, JAPAN, INDONESIA, AND SWEDEN ALSO BEING POUCHED.

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3. FOLLOWING COUNTRIES NOW ACCORD U.S. RIGHT OF CONSENT OVER RETRANSFER OF U.S. SUPPLIED EQUIPMENT AND MATERIAL AND REPROCESSING OF U.S. SUPPLIED MATERIAL: ARGENTINA, AUSTRALIA, AUSTRIA, BRAZIL, CANADA, REPUBLIC OF CHINA (TAIWAN), FINLAND, INDONESIA, IRAN (OLD RESEARCH AGREEMENT, NEW RESEARCH AND POWER AGREEMENT BEING NEGOTIATED), JAPAN, NORWAY, PHILIPPINES, PORTUGAL, SOUTH AFRICA, SPAIN, SWEDEN, SWITZERLAND, THAILAND, TURKEY, AND VENEZUELA.

4. BEGIN FYI. OUR CURRENT AGREEMENT WITH EURATOM GRANTS U.S. RIGHT OF CONSENT OVER RETRANSFERS OF U.S. SUPPLIED EQUIPMENT AND MATERIAL EQUIPMENT AND MATERIAL OUTSIDE THE COMMUNITY OF U.S. SUPPLIED EQUIPMENT AND MATERIAL BUT DOES NOT PROVIDE FOR U.S. VETO RIGHTS OVER INTRA-COMMUNITY RETRANSFERS NOR INTRA-COMMUNITY REPROCESSING OF U.S. SUPPLIED MATERIAL. OUR CURRENT AGREEMENT WITH THE IAEA DOES NOT GRANT U.S. RIGHTS OVER REPROCESSING AND RETRANSFER. PENDING LEGISLATION WILL REQUIRE US TO SEEK THESE RIGHTS IN ALL NEW AGREEMENTS AS WELL AS IN UPGRADING ALL PRESENT AGREEMENTS. NO EXISTING AGREEMENTS FOR COOPERATION GRANT U.S. RIGHT OF CONSENT OVER RETRANSFER OR REPROCESSING OF NON-U.S. FUEL USED IN U.S.-SUPPLIED REACTORS; HOWEVER, THIS RIGHT WILL ALSO BE SOUGHT IN ALL NEW AGREEMENTS AS WELL AS IN RENEGOTIATING PRESENT ACCORDS. END FYI. VANCE

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Message Attributes

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Draft Date: 31 jan 1978
Decaption Date: 01 jan 1960
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Secure: OPEN
Status: NATIVE
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TAGS: PARM, ENRG, YO
To: BELGRADE USIAEA
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